

AMENDED IN ASSEMBLY MARCH 27, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1191

**Introduced by Assembly Member Conway
(Coauthors: Assembly Members Anderson and Silva)**

February 27, 2009

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1191, as amended, Conway. Alcoholic beverages: proof of age: passports.

The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. The act also subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under 21 years of age. Existing law provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any action against the licensee.

This bill would authorize the acceptance of a valid passport, issued by the United States government or a foreign government, as bona fide evidence that a person is 21 years of age or older. This bill makes findings and declaration with regard to the importance of tourism to California.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Total direct travel spending in California was \$96.7 billion
4 in 2007. Spending on travel increased by 3.6 percent over the
5 preceding year.

6 (b) During 2007, travel spending in California directly supported
7 924,100 jobs with total earnings of \$30 billion.

8 (c) The travel industry generated the greatest number of jobs in
9 arts, entertainment, and recreation, 226,500 jobs, and
10 accommodation and food services, 534,000.

11 (d) Travel spending in 2007 generated \$2.2 billion in local taxes
12 and \$3.6 billion in state taxes.

13 (e) Expenditures on food and beverages constituted 24 percent
14 of the total spending made by visitors to California.

15 (f) Tourism within California is not only concentrated in urban
16 areas; tourism in rural areas within the state accounts for 357,400
17 jobs, 39 percent of total tourism industry employment, \$27 billion
18 in travel spending, 31 percent of total tax receipts, and \$1.6 billion
19 in state and local taxes.

20 (g) The travel industry employs 894,000 Californians, the fourth
21 largest employer in the state.

22 (h) On average, each county in California earns \$1.3 billion
23 from travel expenditures annually.

24 (i) In 2007, over 17 percent of all travel spending in the state
25 was attributable to international travelers. Overseas arrivals in Los
26 Angeles and San Francisco increased by 7.5 percent, or 3,600,000
27 arrivals, from 2006 to 2007.

28 (j) Of California's approximately 14,000,000 international
29 visitors, about 5,200,000 were from outside North America,
30 equaling 21.7 percent of all international visitors in 2007, an
31 increase of 12.4 percent from 2006.

32 (k) These visitors reported spending \$111 per person per day,
33 staying an average of 10.5 nights in California. Thus, each visitor
34 to California spent an average of \$1,166 within our state.

35 SEC. 2. Section 25660 of the Business and Professions Code
36 is amended to read:

37 25660. (a) Bona fide evidence of majority and identity of the
38 person is a document issued by a federal, state, county, or

1 municipal government, or subdivision or agency thereof, including,
2 but not limited to, a motor vehicle operator's license, ~~a valid~~
3 ~~passport issued by the United States or by a foreign government,~~
4 ~~or an identification card issued to a member of the Armed Forces,~~
5 *an identification card issued to a member of the Armed Forces*
6 that contains the name, date of birth, description, and picture of
7 the person, *or a valid passport issued by the United States or by*
8 *a foreign government.*

9 (b) In the event an identification card issued to a member of the
10 Armed Forces is provided as proof of majority and lacks a physical
11 description, proof of majority may be further substantiated if a
12 motor vehicle operator's license or other valid bona fide
13 identification issued by any government jurisdiction is also
14 provided.

15 (c) Proof that the defendant-licensee, or his or her employee or
16 agent, demanded, was shown, and acted in reliance upon bona fide
17 evidence in any transaction, employment, use, or permission
18 forbidden by Section 25658, 25663, or 25665 shall be a defense
19 to any criminal prosecution therefor or to any proceedings for the
20 suspension or revocation of any license based thereon.